

Patents
Serial No. 09/473,383

24728

PATENT - TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: DOMINIC J. MOREA, ET. AL.) Group No. 3627
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Serial No.: 09/473,383) Examiner: G. J. O'Connor
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Filing Date: DECEMBER 28, 1999)
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Entitled: MERCHANT)
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AMENDMENT AFTER FINAL AND RECORD OF INTERVIEW

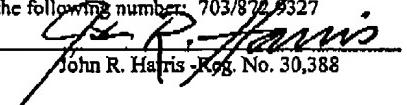
U.S. Patent & Trademark Office
Group 3600
After Final Facsimile 703/872.9327
Arlington, VA 22202

Responsive to the Office Action mailed March 11, 2003 containing a final rejection, and in connection with the concurrently filed Request for Continued Examination (RCE), please amend the application as follows and consider the appended remarks:

This amendment is submitted in compliance with the waiver of 37 C.F.R. 1.121 as set forth in <http://www.uspto.gov/web/offices/pac/dapp/ola/preognitice/revamdtprac.htm>, and contains the following separate sections that start on a separate sheet: Introductory Comments (including Record of Interview), Amendments to the Claims, and Remarks.

CERTIFICATE OF TRANSMISSION

I hereby certify under 37 C.F.R. § 1.8 that this correspondence is being filed via facsimile at the United States Patent and Trademark Office on June 11, 2003 to the following number: 703/872.9327


John R. Harris Reg. No. 30,388

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INTRODUCTORY REMARKS

This response is submitted as the required submission to accompany a contemporaneously filed Request for Continued Examination under 37 C.F.R. 1.114.

Claims 1–15, 17–20, 22–24, and 26–44 are pending in this application, prior to this amendment. New dependent claims 45 and 46 are added.

RECORD OF INTERVIEW

In response to the Office Action final rejection, the undersigned contacted Examiner O'Connor by telephone on June 9, 2003 to discuss the rejection. The Applicant and the undersigned appreciate the courtesy extended by the Examiner during the interview.

Pursuant to 37 C.F.R. § 1.133(b), the following description is submitted as a complete written statement of the reasons presented at the interview as warranting favorable action. The following statement is intended to comply with the requirements of MPEP § 713.04 and expressly sets forth: (A) a brief description of the nature any exhibit shown or any demonstration conducted; (B) identification of the claims discussed; (C) identification of specific prior art discussed; (D) identification of the principal proposed amendments of a substantive nature discussed; (E) the general thrust of the principal arguments; and (F) a general indication of any other pertinent matters; and (G) the general results or outcome of the interview, if appropriate.

The undersigned contacted the Examiner to inquire how the Examiner was applying the *Zirkel* patent (6,135,349) in rejecting the claims. (A) No exhibits were shown or discussed. (B) The independent claims 1, 17, and 22 were discussed in general, but not specifically. (C) The *Zirkel* patent was discussed generally, but not specifically. (D) No specific proposed amendments were presented or discussed. (E) The general thrust of the discussion was as set forth below in the next paragraphs. (F) No other matters were discussed. (G) No agreement was reached during the interview regarding the claims.

The general thrust of the discussion was the undersigned's brief explanation of certain aspects of the invention, mainly as relate to the claims being directed to more than the mere automation of a known manual process. For example, and generally speaking, the claims recite various steps or apparatus structure for configuring a point-of-sale terminal for use in connection with a merchant account, where certain information is gathered during an on-line

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session with a merchant/applicant. Further, terms and conditions for the account are determined based on the gathered information in veritable real time, and the determined terms and conditions are displayed for acceptance by the merchant/applicant. If such determined terms and conditions are accepted, the merchant account is provisioned and a selected point-of-sale terminal is configured for use in connection with the merchant account. Further discussion of these and other aspects of the claimed inventions, as specifically set forth in the various independent claims, is set forth below in the Remarks section.

Beyond a discussion generally along the lines of the foregoing, and directing the Examiner to language in the claims relating to aspects of the selection and configuration of a point-of-sale terminal, etc., there was no further discussion of the references or about the claims. The Examiner requested that the undersigned respond to the Office Action in writing along the lines of the foregoing.

In the event that the foregoing record is not considered complete and accurate, the Examiner is respectfully requested to bring any incompleteness or inaccuracy to the attention of the undersigned.